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10/698,675	10/31/2003	Bingjun Li	U001 100075	5433
65147	7590	03/24/2008	EXAMINER	
UTSTARCOM, INC. c/o Laura Weiss, Paralegal 3800 Golf Road, Suite 220 Rolling Meadows, IL 60008			SHINGLES, KRISTIE D	
ART UNIT		PAPER NUMBER		
2141				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/698,675	<b>Applicant(s)</b> LI ET AL.
	<b>Examiner</b> KRISTIE D. SHINGLES	<b>Art Unit</b> 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 October 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

Claims 1-13 and 15-20 are pending.  
(Re-numbered as Claims 1-19)

### **Drawings**

I. In compliance with 37 CFR 1.121(d) and 37 CFR 1.84(p)(5), Applicant is advised to review drawings to insure consistency and conformity between the reference numerals of the specification and the reference numerals of the drawing.

### **Claim Objections**

II. Claims 12 and 15 are objected to because of the following informalities:

a. Claim 15 is misnumbered—Claim 14 is missing in the application, Claim 15 should therefore be labeled as "Claim 14".

b. Claim 12, line 9, "data base" should be replaced with—database—.

Correction is required.

### **Claim Rejections - 35 USC § 102**

III. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**IV. Claims 1-3, 5, 6 and 8-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Coskun et al (US 7,020,480).**

a. **Per claim 12,** *Coskun et al* teach a method for management of a network with a plurality of network elements employing a network management system (NMS) and at least one element management system (EMS) comprising the steps of:

- providing a Network Presence and Instant Messaging (PIM) engine (*Figures 4-6, col.1 line 64-col.2 line 31, col.10 lines 11-59—Presence Information Server and Instant Messaging Server*);
- providing a plurality of PIM clients associated with each of the plurality of network elements and the EMS (*Figures 4-6, col.6 lines 18-27—clients associated with detected mobile devices*);
- communicating presence of any element of the network by presentity through the PIM engine and clients (*Figures 4-6, col.2 lines 53-67, col.3 lines 1-10—presence information is communicated from detected wireless devices to Presence Information Server*);
- maintaining a data base of presentity in the EMS (*Figures 4-6, col.3 lines 11-25—Presence Information Storage Module*); and,
- communicating between the EMS and network elements by instant messaging through the PIM engine and clients (*col.3 lines 61-col.4 line 11, col.4 lines 56-66, col.5 lines 18-34*).

b. **Per claim 11,** *Coskun et al* teach a fully integrated network management system comprising:

- a plurality of network elements (*Figures 4-6, col.6 lines 18-27—clients associated with detected mobile devices*);
- at least one element management system (EMS) connected to the plurality of network elements (*Figures 4-6, col.1 line 64-col.2 line 31—Presence Information Server and Instant Messaging Server*);
- a network management system (NMS) connected through a northbound interface from the EMS (*Figures 1 and 4-6, col.1 line 64-col.2 line 31, col.9 lines 56-64, col.10 lines 11-59—Presence Information Server and Instant Messaging Server*);

- a Service Management System (SMS) connected through a northbound interface from the NMS (*Figure 3, col.9 col.6 lines 37-41*);
- a Presence and Instant Messaging (PIM) engine interfaced to the EMS and a plurality of PIM clients operably associated with the network elements, the EMS, the NMS and the SMS, the PIM clients in logical communication with the PIM engine, the PIM engine and PIM clients providing presence service and instant messaging between the EMS, NMS, SMS and network elements (*col.3 lines 61-col.4 line 11, col.4 lines 56-66, col.5 lines 18-34, col.9 line 56-col.10 line 10*).

c. **Claim 1** contains limitations that are substantially similar to claim 11 and is therefore rejected under the same basis.

d. **Per claim 2**, *Coskun et al* teach the system for network management as defined in claim 1 further comprising a PIM client operably associated with the NMS for presence service and instant messaging (*col.3 lines 61-col.4 line 11, col.4 lines 56-66, col.5 lines 18-34, col.10 lines 11-59*).

e. **Per claim 3**, *Coskun et al* teach the system for network management as defined in claim 1 wherein the EMS further incorporates an adaptor for network mediation having communication stacks to accommodate PIM presence service and instant message traffic between the PIM clients and the PIM engine and to further accommodate at least one alternative standard communication protocol (*col.9 line 37-col.10 line 10*).

f. **Per claim 5**, *Coskun et al* teach the system for network management as defined in claim 3 wherein the managed network includes a second plurality of network elements, said second plurality of network elements communicating through the adaptor using the at least one alternative standard communication protocol (*col.6 lines 5-41, col.8 lines 50-57, col.10 lines 1-10*).

g. **Per claim 6**, *Coskun et al* teach the system for network management as defined in claim 1 wherein the EMS further incorporates a managed object repository for storing presentity of the plurality of network elements provided through the PIM presence service (*Figures 4-6, col.3 lines 11-25, col.10 lines 29-51, col.11 lines 11-21*).

h. **Per claim 8**, *Coskun et al* teach the system for network management as defined in claim 1 wherein the EMS further includes fault management, configuration management, accounting management, performance management and security management (FCAPS) modules, said modules adapted for communication through the PIM (*col.3 lines 1-33, col.8 lines 9-12 and 45-49, col.9 lines 4-13*).

i. **Claim 15** is substantially similar to claim 8 and is therefore rejected on the same basis.

j. **Per claim 9**, *Coskun et al* teach the system for network management as defined in claim 1 wherein the EMS further includes means for operator interface (*col.5 lines 1-9, col.11 line 53-col.12 line 15*).

k. **Per claim 10**, *Coskun et al* teach the system for network management as defined in claim 9 wherein the operator interface means comprises a Graphical User Interface (GUI) (*col.5 lines 1-9, col.11 line 53-col.12 line 15*).

l. **Per claim 13**, *Coskun et al* teach the method for management of a network as defined in claim 12 further comprising the steps of: providing a PIM client associated with the NMS (*col.11 lines 45-62*); communicating presence of the NMS and EMS by presentity through the PIM engine and clients (*co.12 lines 8-15*); and communicating between the EMS and NMS by instant messaging through the PIM engine and clients (*col.11 line 45-col.12 line 15*).

m. **Claim 16** is substantially similar to claim 13 and is therefore rejected on the same basis.

n. **Per claim 17**, *Coskun et al* teach the method for management of a network as defined in claim 16 further comprising the step of maintaining a management relationship among the SMS, NMS, and EMS using a buddy group (*col.9 lines 25-36, col.10 lines 11-28 and 45-67*).

o. **Per claim 18**, *Coskun et al* teach the method for management of a network as defined in claim 16 wherein the network includes a security server and further wherein the steps of: communicating presence further comprises including security profile information; and communicating between the network elements, EMS, NMS and SMS by instant messaging through the PIM engine and clients further comprises limiting communication response based on the security profile (*col.9 line 20-36, col.10 lines 11-28 and 45-67*).

p. **Per claim 19**, *Coskun et al* teach the method for management of a network as defined in claim 16 further comprising the step of monitoring the availability of network/service resources using the presence and instant messaging service (*col.5 lines 23-45*).

q. **Per claim 20**, *Coskun et al* teach the method for management of a network as defined in claim 16 further comprising the step of including all related operators as PIM clients together with the managed network elements and NMS/EMS components in a buddy group to support domain-based network management (*col.5 lines 23-45, col.9 lines 25-36, col.10 lines 11-28 and 45-67*).

**Claim Rejections - 35 USC § 103**

**V.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**VI. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coskun et al (US 7,020,480) in view of Chadha (US 2004/0215723).**

**Per claim 4,** *Coskun et al* teach the system for network management as defined in claim 3, yet fails to explicitly teach the system for network management as defined in claim 3 wherein the at least one alternative communication protocol is selected from the set of SNMP, CORBA, FTP/TFTP, TL1 and CLI. However, *Chadha* teaches facilitating online presence of network entities using communication protocols as SNMP and CORBA (*page 1 paragraph 0016, page 2 paragraphs 0017-0018*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Coskun et al* with *Chadha* for the purpose of extending the usability of the network management system to function with other communication protocols such as SNMP and CORBA which are also known in the art for conveying presence information of network clients/entities.

**VII. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coskun et al (US 7,020,480) in view of Malik et al (US 7,016,978).**

**Per claim 7,** *Coskun et al* teach the system for network management as defined in claim 1, yet fail to explicitly teach the system for network management as defined in claim 1 wherein

the PIM employs XML format. However, *Malik et al* teach employment of the XML format by the Universal IM server for facilitating communication with the network clients (*Abstract, col.3 line 60-col.5 line 28, col.6 lines 38-42, col.8 lines 22-52*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Coskun et al* with *Malik et al* for the purpose of communicating using XML, since XML as a universal open protocol to communicate across all platforms. XML is a protocol well-known and commonly used in the art.

### **Conclusion**

**VIII.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Wong et al (6839735), Diacakis et al (7246371), Turner (7269162), Agrawal (7283805), Mathis (6993327), Blagsvedt et al (7216147).

**IX.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie D. Shingles*  
Examiner  
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*kds*

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144